IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 1177 of 1996

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHARATSINH KIRITSINH

Versus

SECRETARY

Appearance:
1. Special Civil Application No. 1177 of 1996
MR JK PARMAR for Petitioner No. 1
RULE SERVED for Respondent No. 1,3-4
H.M. Prachchhak, AGP, for Respondent No. 2

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 24/12/2004

ORAL JUDGEMENT

1. The present petition under Article 226 of the Constitution of India is filed challenging the order of suspension dated 2nd January 1996 passed by the respondent No.4 on the ground that the respondent-Authority has acted in an arbitrary manner and the said action was taken pursuant to Criminal Complaint No.916 of 1995 filed in Kagadapith Police Station against the petitioner. One of the grounds, as agitated by the petitioner, is that the respondent-Authority asked the petitioner to vacate the residential quarter allotted to him and the said action of the Authority is not justified

under various provisions of the Statute.

2. This Court, while issuing notice, protected the petitioner qua eviction of the petitioner from the official quarter allotted to him, and the said interim order is continued from time to time.

3. Today, when the matter is called for final hearing, the learned Assistant Government Pleader, Mr. H.M. Prachchhak, states that the impugned order of suspension is revoked by the respondent-Authority and, as on date, the petitioner is serving as Police Constable at "A" Company, at Head Quarter of the Department, at Shahibaug, Ahmedabad. According to the learned Assistant Government Pleader, Mr. H.M. Prachchhak, the petitioner, serving in Ahmedabad, is entitled to have official quarter as per his status.

4. In view of the fact that the suspension order is already revoked, and, during pendency of the petition, the petitioner has continued to occupy the official quarter allotted to him, and the petitioner is performing his duties in the City of Ahmedabad itself, no further order is required to be passed. At this stage, no cause of action continues which requires any adjudication by this Court. Hence, this petition is rejected. Rule is discharged with no order as to costs. The interim order is vacated.

(Anant S. Dave, J.)
(swamy)